

**Town of Foxborough
Conservation Commission Minutes
August 30, 2010**

Members present: Bob Boette (Chairman), Judi Johnson, Jim Marsh, and Eric Nelson

Absent: Harold Blomberg, Allan Curtis, Doug Davis

Also present: Jane Pierce, Conservation Manager

Meeting Opened

Bob Boette opened the meeting, held in the Andrew A. Gala Jr. Meeting Room at 7:00 p.m.

Request for Determination – Route 140, Mass. DOT

Tom McGuire, Environmental Engineer from the Mass. DOT, Highway Division was present to discuss the proposed relocation of a drainage outlet at the Farm Stand (at Hersey Farm) on Route 140 near Walnut Street. Because the current outfall to the street had been flooding the Farm Stand, the Town asked the DOT to move the drainage outlet.

The proposed work involves the relocation of the drainage outlet to approximately 200 feet east of its current location. No work is proposed within any resource areas. Some work may be done within the buffer zone, but hay bales and/or silt fence will be placed as directed by the Conservation Commission to eliminate erosion and prevent sediments or other materials from entering the resource areas. Jane believes this is a good solution to the flooding problem and recommended the issuance of a negative determination.

Motion was made by Judi Johnson to issue a Negative Determination (#3 and #6) for the RFD for Route 140. Seconded by Jim Marsh. **Vote: 4:0:0.**

Request for Determination – 80 North Street, Robert & Beverley Hamel

Michael Trowbridge Hutchins, Trowbridge Assoc. Inc., the applicants' representative, was present to discuss the proposed repair of an existing septic system located within 100 feet of the Neponset River. The existing system, located in the back yard of a 100+ year old multi-family dwelling, is 35 years old and is in failure. Jane believes that accessing the property will be tricky and wants the silt fencing to be extended towards the house.

Mr. Trowbridge explained that the project has gone out to bid and each contractor has proposed a different method of installation, but once a contractor has been selected, the installation details, he will consult with Jane to see if extra silt controls will be necessary. Jane recommends the issuance of a negative determination with the following conditions: "A site visit with the Conservation Manager shall be performed before starting work to: (1) determine whether the silt fencing needs to be extended and (2) to determine the location of a temporary stockpile area."

Motion was made by Eric Nelson to issue a Negative Determination (#3 and #6) for the RFD for 80 North Street with the above conditions. Seconded by Judi Johnson. **Vote: 4:0:0.**

Order of Conditions - 12 Country Club Road, DEP #157-492

Jane reviewed the OoC that she had drafted, explaining that the main changes that she had made to the boilerplate SFH document included a detailed description of the project (excerpts taken from the hearing's minutes) and continuing conditions (post CoC) regarding pool care.

Motion was made by Judi Johnson to issue an Order of Condition, as drafted, for DEP #157-492. Seconded by Jim Marsh. **Vote: 4:0:0.**

Partial Certificate of Compliance (PCoC) - Lot 3 (5) Michelmores Way, DEP #157-472

Jane reported that she had received a last minute request for a PCoC for 5 Michelmores Way late in the afternoon. She explained that although a PCoC had been drafted, she had not yet visited the site or reviewed the file. Jane asked the Commission to vote for and sign the PCoC, and then she would wait until after her site visit to issue the certificate. Judy added that she had not yet received any fees for extending the lot's Order of Conditions or for the Request for PCoC. The Commission asked Judy to wait until she had received the outstanding fees before issuing the PCoC.

Motion was made by Judi Johnson to issue a Partial Certificate of Compliance, pending receipt of filing fees and a site visit by the Conservation Manager, for DEP File #157-472. Seconded by Jim Marsh. **Vote: 4:0:0.**

10 Fairbanks Road Update

Judy informed the Commission that there had been no further communication from the tenants since the last meeting. The tenants had informed her, via email, that they would move out by August 31. The Commission asked Jane and Judy to visit the site after August 31st to verify that the tenants have in fact moved out. If they have not, then paperwork should be filed with the Wrentham District Court to start eviction proceedings.

Hersey Farm Lease

Jane reported to the Commission that upon review of the files, she noticed that (1) the lease agreement for Hersey Farm between the Town and McNamara Farms Inc. and (2) the Town's License to Enter and Use State Owned Land with the Mass Department of Food and Agriculture (Bureau of Land Use) had expired. Judy will contact the State to get information about applying for a new State License.

There was discussion about who should sign the agreement and license; the Conservation Commission or the Town Manager, now that there had been a decision regarding Baker vs. Foxborough Board of Selectmen (09-P-367). It was agreed that Jim would write a letter to Andy Gala, requesting that he consult with the Town's attorney regarding the issue of licenses and/or property rental agreements for Town conservation lands.

80 Beach Street - Possible Violation

Doug asked that a discussion about the installation of a shed at 80 Beach Street be put on the agenda. The shed had been erected in the backyard (within the 25 foot NDZ) after the homeowners had been told not to do so (last fall). Jane stated that she was aware of the shed, reporting that it appeared to be a temporary structure (without a foundation), so she didn't think that it was a violation since it was in an area that was previously disturbed (lawn). All in attendance agreed.

East Street Concern

Judy explained that Mrs. Greely, an East Street resident reported that her neighbor, another resident of East Street, had taken large rocks from the Greely Pond area (which is owned by Norfolk County) to use in their front garden a couple of years ago. The home where the rocks now reside is for sale and, reportedly, the homeowners told Mrs. Greely that they would return the rocks during the week of August 30; Mrs. Greely wanted the Commission to oversee the return of the rocks.

Upper Carpenter Dam Decommissioning, DEP #157-474

Jane reported that she and Bob had met on-site with Bob Swanson, Highway Department Superintendent, earlier in the day after learning that the Highway Department had begun work at the Upper Carpenter Dam without notifying the Conservation Commission, as required by their OoC. Bob, Jane and Bill Hocking had met with Andy Gala earlier in the day, after Bill came to the office

to voice his concerns. Bob and Jane discussed the following issues on-site with Bob Swanson, who was instructed to:

1. Place silt fencing, as directed, along the dirt roadway on Lakeview Pond;
2. Place silt fencing around perimeter of the Upper Carpenter Pond's peninsula and lay down hay.
3. Take brush that had been scattered around the site (from trees that were removed) and stack in piles to keep from smothering vegetation and to provide wildlife habitat.
4. Check/survey the elevations of the work that they had done.
5. Pull dirt back from the base of a large oak tree, adjacent to the work site.
6. File for an amended OoC by the next meeting.
7. Post a DEP sign at the street.

Jane then realized that a DEP sign had not been posted, so this was also added to the list.

Cont'd Request for Determination, Foxborough Highway Department, 4 Paula Lane

This filing was for the proposed installation of an 8" emergency overflow pipe for an existing underground stormwater leaching system, to be discharged into Morton's Brook. Although Bob Swanson had told the Commission that he would look into the plans for the underground basin and open up the manhole covers at the site to see if it could be cleaned out, the Commission had not yet heard from him, so they closed the filing.

Motion was made by Judi Johnson to issue a Positive Determination (#1 and #5) for the RFD for 4 Paula Lane. Seconded by Jim Marsh. **Vote: 4:0:0.**

August 16, 2010 Minutes

Motion was made by Eric Nelson to accept the August 16, 2010 meeting minutes, as presented. Seconded by Jim Marsh. **Vote: 4:0:0.**

Meeting Adjourned

Motion was made by Judi Johnson to adjourn. Seconded by Eric Nelson. **Vote: 4:0:0**

The meeting adjourned at 9:00 p.m.

Draft minutes submitted by Judy Leahy: 9/1/10

Reviewed by Jane Pierce: 9/13/10

Approved by Commission: 9/20/10